



# BURLEIGH COUNTY HIGHWAY DEPARTMENT

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## Special Assessment Procedure (All Petitioners Must Read Carefully)

Approved by the Burleigh County Commission  
(March 18, 2013)

- 1) Burleigh County will consider the creation of a special assessment district only when the project will cost \$50,000 or more.
- 2) Some interested party will act as sponsor and contact person to represent the user group desiring the improvement.
- 3) Sponsor shall contact the County Engineer to explain the type of improvement desired and the exact extent of the improvement area.
- 4) The County Engineer will furnish an Engineering Report and a Petition for Paving Improvements to the Sponsor. The Engineering Report and Petition will describe the proposed project, define benefited properties, describe improvement area and provide an estimate of the cost of the project. All paving projects must include a chip seal application.
- 5) The sponsor will circulate the petition and acquire the required number of signatures. The full petition including the Engineering Report must be presented to the benefited property owners. The completed petition shall be returned to the Burleigh County Engineer for review. The County Engineer will forward the petition to the County Auditor for processing.
- 6) The Board of County Commissioners, upon receipt of a petition of sixty percent or more of the landowners, may establish a special assessment district for such improvements pursuant to NDCC 11-11-55.1 and those other chapters referred to in that statute. The petition must include a letter from the appropriate township board(s) stating their support or opposition to the petition.
- 7) A properly completed petition is delivered to the County Auditor for transmittal to the County Special Assessment Screening Committee for review. The membership of the County Special Assessment Screening Committee shall consist of the county

commissioner holding the county Road & Bridge Dept. portfolio, the County Engineer, and the County Auditor.

- 8) The screening committee will consider the petition, the feasibility of the project, the predictability of solvency of the district and then will make a recommendation to the Burleigh County Board of Commissioners.
- 9) The County Commission will act on the Screening Committee's recommendation. If the request is approved, the County Commission accepts the Engineering Report and a Petition for Paving Improvements by resolution and then creates the special assessment district by adopting a resolution of necessity.
- 10) The adopted resolution of necessity, engineer's report, and a map of the special assessment district will be published once a week for two weeks (1st publication at least 30 days prior to public hearing) in the official county newspaper with a prescribed date & time of public hearing.
- 11) At the public hearing on the resolution of necessity, the County Commission will log any forthcoming protest. The district is prohibited unless the owners of a minimum of 60% of the benefited property support the proposed improvement.
- 12) If protest is insufficient and the County Commission desires to proceed, the Burleigh County Engineer will prepare plans and specifications, for approval by resolution of the County Commission. All cost associated with plan and specifications preparation will be included in the cost of the special assessment district.
- 13) The project is advertised for bids in accordance with the North Dakota Century Code.
- 14) The contract is awarded and the proper bond posted by the successful bidder.
- 15) The project is constructed by the successful bidder as per governing specifications to final approval of the County Engineer.
- 16) The Special Assessment Commission shall inspect the project and determine proportionate benefits. This board will prepare a complete list of benefits and assessments setting forth: a) each tract benefited; and b) the amount to be assessed. Total final cost will include final contract construction cost, engineering expenses, bond counsel (legal) expenses, financial consultant expenses, all bond issuance fees, plus an amount equal to \$1,000 plus 3% of the total project cost (but never to exceed \$10,000) to cover administrative expenses for the county.
- 17) The assessment list, excluding the amount each lot or tract is benefited by the improvement, will be published once each week for two weeks. (1st publication at least 15 days prior to hearing)
- 18) The Special Assessment Commission holds a public meeting to hear all objections to the method of assessment.

- 19) Special Assessment Commission confirms the final distribution of costs among the beneficiaries at a public meeting and certifies the results to the County Commission.
- 20) The County Commission holds a public meeting to confirm assessments and to consider any amendments.
- 21) Petitioners acknowledge that normal, routine roadway maintenance will be provided by the current responsible road entity. Any subsequent seal coats, resurfacing or other major structural work must be paid by the property owners in the form of a future, separate special assessment district.
- 22) If any funds remain after the special assessment improvement bond has been paid, 75% of the funds shall be transferred to the appropriate current responsible road entity for maintenance of the improvement. The township shall have authority over the funds as to how, when and what maintenance funds shall be used. The remaining 25% shall be held by the county in a fund to cover future potential deficient special assessments.
- 23) Private roadways or roadways not meeting minimum published standards are not eligible for improvement under the special assessment program.